

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

GATE GUARD SERVICES, L.P., BERT)	
STEIHNDORF, and SIDNEY L. SMITH,)	
)	Civil Action No. 6:10-CV-00091
)	
Plaintiffs/Counter-Defendants,)	
)	
v.)	
)	
HILDA L. SOLIS, SECRETARY OF LABOR,)	
UNITED STATES DEPARTMENT OF LABOR,)	
)	
Defendants/Counter-Plaintiffs.)	
)	

ORDER

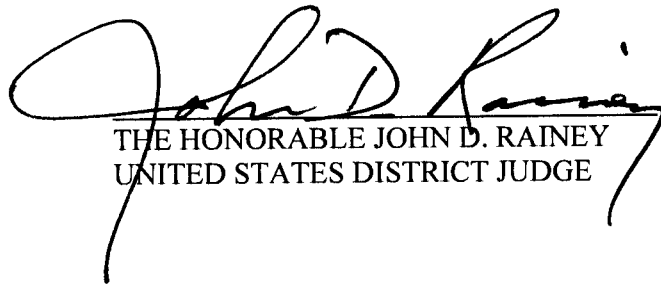
Having considered Gate Guard Services, L.P.'s ("Plaintiff") Motion to Bifurcate Discovery ("Motion"), Hilda A. Solis, Secretary of Labor's ("Defendant") Opposition to the Motion, and having heard oral argument on the Motion at a telephone hearing on September 21, 2011, the Court is of the opinion that Plaintiff's Motion should be **GRANTED** in part and **DENIED** in part. **IT IS HEREBY ORDERED THAT:**

The Motion is **GRANTED** to the extent that expert witnesses for any party with the burden of proof shall be disclosed no later than sixty (60) days after a decision on liability, and that expert witnesses for respondent shall be disclosed no later than sixty (60) days thereafter. The Scheduling Order is hereby amended accordingly.

The Motion is **DENIED** to the extent that some, but not all, of the "Traffic Logs" shall be produced during the liability phase. While the Court agrees with Plaintiff that not all of the Traffic Logs should be produced during the liability phase, the Court is of the opinion that some of the Traffic Logs should be produced during the liability phase and therefore, orders that,

within fourteen (14) days of entry of this Order, Plaintiff and Defendant each shall identify fifteen (15) gate attendants who performed services for Plaintiff during the time period relevant to this lawsuit (e.g., February 16, 2009 to the present). Plaintiff shall produce to Defendant the Traffic Logs recorded by these thirty (30) gate attendants as soon as possible, but not later than thirty (30) days after receiving Defendant's list of fifteen (15) gate attendants. For Good Cause shown, Defendant may file a Motion to Compel additional Traffic Logs.

SO ORDERED this 13th day of October, 2011.



THE HONORABLE JOHN D. RAINEY
UNITED STATES DISTRICT JUDGE